

1 AN ACT
2 RELATING TO HEALTH CARE; ENACTING THE NAPRAPATHIC PRACTICE
3 ACT; PROVIDING FOR LICENSURE; ENACTING PENALTIES; ENACTING
4 SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.
5

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. SHORT TITLE. -- This act may be cited as the
8 "Naprathic Practice Act".

9 Section 2. DEFINITIONS. -- As used in the Naprathic
10 Practice Act:

11 A. "applicant" means a person who is applying to
12 be licensed for the first time as a naprath in New Mexico;

13 B. "board" means the naprathic practice board;

14 C. "department" means the regulation and
15 licensing department;

16 D. "fund" means the naprathy fund;

17 E. "license" means an authorization by the
18 superintendent that permits a person to practice naprathy
19 in the state;

20 F. "licensee" means a person licensed by the
21 superintendent as a naprath;

22 G. "naprath" means a person who practices
23 naprathy; and

24 H. "superintendent" means the superintendent of
25 regulation and licensing.

1 Section 3. LICENSURE REQUIRED-- EXCEPTIONS--
2 REGISTRATION. --

3 A. A person shall not practice naprapathy in the
4 state without a valid license issued by the superintendent
5 based on recommendations from the board.

6 B. A person who is a naprapath practitioner
7 employed by a federal government facility or agency in New
8 Mexico is not required to be licensed pursuant to the
9 Naprapathic Practice Act.

10 C. A person who is enrolled in a program
11 approved by the superintendent to provide training for
12 naprapaths or a person receiving continuing educational
13 training to practice naprapathy is not required to be
14 licensed or registered with the board.

15 D. A person teaching, advising or supervising
16 students of naprapathy or teaching continuing education for
17 naprapaths shall not practice naprapathy in New Mexico
18 unless he is licensed by the board.

19 E. A person in the state to teach, advise or
20 supervise naprapaths or students for less than one month may
21 only practice naprapathy if he is registered with the board
22 as a teacher, advisor or supervisor and if the practice
23 occurs in the course of his duties as a teacher, advisor or
24 supervisor.

25 F. Nothing in the Naprapathic Practice Act shall

1 be construed to prevent a person qualified as a member of a
2 recognized profession, the practice of which requires a
3 license or is regulated pursuant to the laws of New Mexico,
4 from rendering services within the scope of the person's
5 license or a state rule adopted to regulate the profession;
6 provided that the person does not represent himself to be a
7 naprapath.

8 Section 4. PRACTICE OF NAPRAPATHY--DESCRIPTION. --

9 A. Naprapathic practice includes the diagnosis
10 and treatment of persons with connective tissue disorders
11 through the use of special techniques, review of case
12 history, examination and palpation or treatment of a person
13 by the use of connective tissue manipulation, exercise,
14 postural counseling, nutritional counseling and the
15 application or use of heat, cold, light, water, radiant
16 energy, electricity, sound and air and assistive devices for
17 the purpose of preventing, correcting or alleviating a
18 physical disability.

19 B. A naprapath treats contractures, muscle
20 spasms, inflammations, scar tissue formation, adhesions,
21 lesions, laxity, hypotonicity, rigidity, structural
22 imbalances, bruises, contusions, muscular atrophy and
23 partial separation of connective tissue fibers.

24 C. Naprapathic practice may require the:

25 (1) performance of specialized tests and

1 measurements;

2 (2) administration of specialized treatment
3 procedures; and

4 (3) establishment and modification of
5 naprapathic treatment programs.

6 D. A licensee may advise, supervise or teach
7 another in the performance of naprapathy.

8 E. Naprapathic practice does not include
9 surgery, acupuncture, Chinese herbal medicine, pharmacology
10 or invasive diagnostic testing. A naprapath who is not
11 licensed pursuant to the Acupuncture and Oriental Medicine
12 Practice Act shall not hold himself out as qualified to
13 perform acupuncture or provide oriental medicine services.
14 A naprapath who is not licensed as a physical therapist
15 pursuant to the Physical Therapy Act shall not hold himself
16 out as qualified to provide physical therapy or
17 physiotherapy services. A naprapath who is not licensed
18 pursuant to the Chiropractic Physician Practice Act may not
19 hold himself out as qualified to perform chiropractic
20 practices. A naprapath who is not licensed as an
21 occupational therapist pursuant to the Occupational Therapy
22 Act shall not hold himself out as qualified to provide
23 occupational therapy. Nothing in this section shall limit a
24 naprapath from employing appropriate naprapathic techniques
25 that a naprapath is educated and licensed to perform except

1 as set forth in this subsection. F. A naprapath
2 shall refer to a licensed physician any patient whose
3 medical condition should, at the time of evaluation or
4 treatment, be determined to be beyond the scope of practice
5 of the naprapath.

6 Section 5. EDUCATION--PROFESSIONAL QUALIFICATIONS.--

7 A. A person may be qualified to receive a
8 license as a naprapath if that person:

9 (1) is at least twenty-one years of age;

10 (2) has graduated from a two-year
11 college-level program or an equivalent program approved by
12 the superintendent after consultation with the board;

13 (3) has completed, in not less than three
14 years, a four-year academic curriculum in naprapathy, that
15 is approved by and conforms to the strict protocol of and
16 guidelines set by the American naprapathic association, and
17 the person has successfully completed one hundred thirty-two
18 hours of academic credit, including sixty-six credit hours
19 in basic science courses with emphasis on the study of
20 connective tissue, and sixty-six credit hours in clinical
21 science courses teaching naprapathic science, theory and
22 application;

23 (4) has passed the national board of
24 naprapathic examiners examination or can show proof that the
25 person holds a valid license as a naprapath in another

1 jurisdiction; and

2 (5) has met all other requirements of the
3 Naprapathic Practice Act.

4 B. The superintendent or the board may require a
5 personal interview with an applicant to evaluate that
6 person's qualifications for a license.

7 Section 6. APPLICATION. --

8 A. An applicant for a license shall:

9 (1) complete and submit an application on a
10 form furnished by the superintendent; and

11 (2) provide all of the information
12 requested by the superintendent.

13 B. An applicant shall submit a nonrefundable
14 application fee with his application.

15 Section 7. DESIGNATION AS NAPRAPATH. --

16 A. A person to whom a license as a naprapath has
17 been issued by the superintendent is designated a
18 "naprapath" and may use that title in connection with the
19 practice of the profession of naprapathy.

20 B. A person licensed as a naprapath, who is a
21 graduate of a program in naprapathy at a school approved by
22 the superintendent, may use the title "doctor of naprapathy"
23 or the letters "D.N." following the licensee's name, to
24 indicate the licensee's professional status.

25 C. The superintendent shall adopt rules

1 following hearings held by the board regarding the manner in
2 which titles and other indicia of the profession may be
3 used.

4 Section 8. LICENSE DISPLAY.--A licensee shall display
5 his license and diplomas in his place of business in a
6 location clearly visible to the naprapath's patients.

7 Section 9. BOARD-- CREATION.--

8 A. The "naprapathic practice board" is created
9 and is administratively attached to the department.

10 B. The board shall have five members who are
11 residents of New Mexico, three of whom shall be licensed
12 naprapaths and two of whom shall be public members who have
13 not been licensed and have no financial interest, direct or
14 indirect, in the profession of naprapathy.

15 C. Members shall be appointed by the governor
16 for four-year terms. No member shall serve more than two
17 terms, except that a person who is appointed to complete an
18 unexpired term of a member of the board may also serve for
19 two full terms.

20 D. Each member of the board shall serve until a
21 replacement is appointed.

22 E. The board shall elect annually a chairman and
23 other officers as determined by the board to be needed.

24 F. The board shall meet as often as necessary to
25 conduct business, but shall meet not less than twice per

1 calendar year. Meetings shall comply with the Open Meetings
2 Act. Three members shall constitute a quorum.

3 G. Members of the board shall be reimbursed as
4 are nonsalaried public officers in the Per Diem and Mileage
5 Act and shall receive no other compensation, perquisite or
6 allowance.

7 Section 10. DUTIES OF THE BOARD. --

8 A. The board shall advise the superintendent
9 regarding licensure of naprapaths, approval of naprapathy
10 curricula, approval of degree programs in naprapathy and any
11 other matters that are necessary to ensure the training and
12 licensure of competent naprapaths.

13 B. The board shall hold hearings and develop
14 rules for the superintendent to review and adopt:

15 (1) regulating licensure of naprapaths, the
16 practice of naprapathy and establishing minimum
17 qualifications and hours of clinical experience required for
18 licensure as a naprapath;

19 (2) prescribing the manner in which records
20 of examinations and treatments shall be kept and maintained;

21 (3) regarding professional responsibility
22 and conduct;

23 (4) identifying disciplinary actions and
24 circumstances that require disciplinary action;

25 (5) developing a means to provide

1 information to all naprapaths licensed in the state;

2 (6) providing for the inspection of the
3 business premises of a licensee when the board determines
4 that an inspection is necessary;

5 (7) providing for the investigation of
6 complaints against licensees or persons holding themselves
7 out as practicing naprapathy in the state;

8 (8) publishing information for the public
9 about licensees and the practice of naprapathy in the state;

10 (9) providing for an orderly process for
11 reinstatement of a license;

12 (10) establishing criteria for acceptance
13 of naprapathy credentials or licensure from another
14 jurisdiction;

15 (11) providing criteria for advertising or
16 promotional materials; and

17 (12) regarding any matter necessary to
18 implement the Naprapathic Practice Act.

19 Section 11. LICENSE RENEWAL. -- The superintendent shall
20 review licenses for renewal annually, and all licenses to be
21 renewed shall be renewed on July 1. Applicants for license
22 renewal shall submit:

23 A. a renewal application on a form developed by
24 the superintendent;

25 B. a license renewal fee; and

1 C. proof of completion of continuing education
2 requirements required by rule.

3 Section 12. LICENSE FEES. -- The superintendent shall
4 establish license and administrative fees, but no individual
5 fee shall exceed one thousand dollars (\$1,000).

6 Section 13. NAPRAPATHY FUND CREATED--USE--
7 APPROPRIATION. --

8 A. The "naprapathy fund" is created in the state
9 treasury.

10 B. All fees collected pursuant to the provisions
11 of the Naprapathic Practice Act shall be deposited with the
12 state treasurer. The state treasurer shall place the money
13 to the credit of the fund.

14 C. Money in the fund is appropriated to the
15 department to carry out the provisions of the Naprapathic
16 Practice Act. Any unexpended or unencumbered balance
17 remaining in the fund at the end of a fiscal year shall not
18 revert to the general fund. Expenditures shall be made from
19 the fund on warrants drawn by the secretary of finance and
20 administration pursuant to vouchers signed by the
21 superintendent.

22 Section 14. ADMINISTRATIVE HEARINGS. -- Administrative
23 hearings shall be conducted pursuant to the Uniform
24 Licensing Act.

25 Section 15. OFFENSES-- CRIMINAL PENALTIES. -- A person

1 who practices naprapathy without a license is guilty of a
2 misdemeanor and shall be sentenced in accordance with the
3 provisions of Section 31-19-1 NMSA 1978.

4 Section 16. VIOLATION--CIVIL PENALTIES. --The
5 superintendent may fine any person who intentionally
6 violates the provisions of the Naprapathic Practice Act up
7 to one thousand dollars (\$1,000) or may suspend or revoke
8 the licensee's authority to practice naprapathy in New
9 Mexico.

10 Section 17. TERMINATION OF AGENCY LIFE--DELAYED
11 REPEAL.--The naprapathic practice board is terminated on
12 July 1, 2011 pursuant to the Sunset Act. The board shall
13 continue to operate according to the Naprapathic Practice
14 Act until July 1, 2012. Effective July 1, 2012, the
15 Naprapathic Practice Act is repealed. _____
16 _____